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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,807	11/21/2002	Shigefumi Odaohhara	JP920010333U	7978
25299	7590	05/10/2004	EXAMINER	
IBM CORPORATION PO BOX 12195 DEPT 9CCA, BLDG 002 RESEARCH TRIANGLE PARK, NC 27709			LUK, LAWRENCE W	
			ART UNIT	PAPER NUMBER
			2838	

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/065,807		ODAOHHARA, SHIGEFUMI	
	Examiner		Art Unit	
	Lawrence W Luk		2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 22 April 2004.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-21 is/are pending in the application.

 4a) Of the above claim(s) 5-15 and 19-21 is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-4, 16 and 17 is/are rejected.

7) ☒ Claim(s) 18 is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:

 1. ☒ Certified copies of the priority documents have been received.

 2. ☐ Certified copies of the priority documents have been received in Application No. _____.

 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____

Election/Restrictions

1. Claims 5-17 and 19-21 stand withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention as noted in paper received by April 22, 2004.

DETAILED ACTION

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Mizuno (JP-62254252).

As to claim 1, Mizuno disclose in figure 1, apparatus comprising: a body which consumes power; a battery (unit 3) which supplies power to the body through a power line (unit Vcc) by discharging after being charged, a high-capacity capacitor (unit 2) connected to the power line (unit Vcc) in parallel with the battery (unit 3); a switch (unit 1) for disconnecting or connecting the high-capacity capacitor (unit 2) from or to the power line (unit Vcc) by a circuit; and a controller (unit 8) for controlling operations of the switch (unit Vcc).

As to claim 2, Mizuno disclose in figure 1, the controller (unit 8) controls operations of the switch (unit Vcc) to disconnect the high-capacity capacitor (unit 2) by a circuit when the battery (unit 3) is disconnected from the body.

As to claim 3, Mizuno disclose in figure 1, the controller controls operations of the switch (unit Vcc) to disconnect the high-capacity capacitor (unit 2) by a circuit when the body is powered off and/or the body is kept in a small-power-consumption mode.

As to claim 4, Mizuno disclose in figure 1, the high-capacity capacitor (unit 2) and the switch (unit Vcc) are integrated so that they can be set to the body.

As to claim 16, Mizuno disclose in figure 1, an intelligent battery comprising: a cell (unit 3) for supplying power through a predetermined power line (unit Vcc); and a high-capacity capacitor (unit 2) connected to the power line (unit Vcc) in parallel with the cell (unit 3) under a predetermined condition.

As to claim 17, Mizuno disclose in figure 1, a switch (unit 1) for disconnecting or connecting the high-capacity capacitor (unit 2) from or to the power line (unit Vcc) by a circuit; and a CPU (unit Data; Address; CE) for controlling operations of the switch (unit Vcc).

Allowable Subject Matter

4. Claim 18 is objected to as being dependent upon a rejected base claim.

In re claim 18, the prior art of record fails to teach or reasonably suggest the CPU detects a state in which the cell is not connected to the electrical apparatus or a state in which it is unnecessary to supply a peak power to the electrical apparatus when the cell

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is set to the electrical apparatus and controls operations of the switch based on a detected state.

Claim 18 would be allowable if rewritten in independent from including all of the limitations of the bass claim.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence W Luk whose telephone number is (571)272-2080. The examiner can normally be reached on 7 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on (571)272-2084. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LWL
May 5, 2004

Lawrence Luk
examiner
5/5/04